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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 April 1997, at 6 p.m.

Chairman:	Mr. STROHAL	(Austria)
later:	Mr. SOMOL	(Czech Republic)
later:	Mr. ZAHRAN	(Egypt)

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The meeting was called to order at 6 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Corr.1, 48-51 and Add.1, 52-55 and Corr.1, 56-60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123-125, 129 and 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25 and 27; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542/Add.2)

1. Mr. XIMENES (Catholic Institute for International Relations) said that his organization was particularly concerned about persistent human rights violations in Colombia and Guatemala and vigorously condemned the continued extrajudicial executions, torture, arbitrary arrests and detentions, forced labour and the lack of democratic governance in Burma. He furthermore wished to draw the Commission's attention to the situation in East Timor, which had been illegally occupied by Indonesian forces since 1975, and where the human rights situation had deteriorated since the award of the Nobel Peace Prize in October 1996 to the Bishop of Dili, Monsignor Belo and to José Ramos Horta. He made particular mention of the persecution to which the persons suspected of having organized the demonstrations in support of Monsignor Belo on his return from Oslo on 24 December 1996 had been subjected. Several people had allegedly been killed and their relatives apparently warned that the same fate awaited them if they reported the situation to the International Red Cross Team in Dili. He himself, regarded as a suspect since his arrest and one month's detention in 1993, had been summoned by an Indonesian army official in September 1996 who had proposed that he should act as an informer; fearing reprisals if he refused, he had preferred to leave his country and apply for political asylum in Europe.

2. As the report of the Special Rapporteur on the question of torture of 10 January 1997 showed, torture and other forms of degrading treatment were currently practised in East Timor. The report of the Working Group on Enforced or Involuntary Disappearances of 13 December 1996 showed that fears of persecution were well-founded. Lastly, a report published in 1997 by the Centre for Human Rights in East Timor in Melbourne (Australia) with the title "Continuing Human Rights Violations in East Timor" comprehensively described serious human rights violations in East Timor.

3. His organization therefore urgently asked the Commission, at its fifty-third session, expressly to condemn the human rights violations perpetrated in East Timor and to call on the Indonesian Government to release its political prisoners and account for past human rights violations; the Special Rapporteur on the question of torture should also be invited to visit East Timor in 1997 and human rights NGOs should have regular access to the country.

4. Mr. Somol (Czech Republic) took the Chair.

5. Ms. SAYEGH (General Arab Women Federation) noted the tremendous efforts of the Arab countries and their substantial achievements in the democratization process, the provision of basic services and freedom of expression or belief, but regretted that in some countries the deterioration of the human rights situation and the vicious circle of despair were a fact of daily life, particularly in Algeria, Iraq, Lebanon, Libya, Palestine and Sudan. Instability, insecurity, increased poverty, job shortages and high inflation, associated with a chaotic political situation, a confusing definition of peace, the arms situation and the interference of interested Powers in the internal sovereignty of countries had resulted in the suffering of tens of thousands of people who had been killed or tortured, the destruction of hundreds of homes, the displacement of hundreds of families, the demolition of many basic services and the shortage of numerous basic commodities and medicines, leading to malnutrition, illness and a sharp increase in infant and child mortality rates.

6. It was common knowledge that human rights violations in the Arab world were not only a country's own doing but, as the example of the sanctions imposed on Iraq showed, constituted an imposition of injustice which imperilled the future of each nation. Her Federation and the Union of Arab Jurists were convinced that oil was one of the basic causes of the persistent situation of conflict, and wondered whether the Arab countries must accept the monopoly of the world's energy resources for the coming decades which actually deprived them of their freedom to decide their own destiny or to plan and implement their economy and their own development and retain their full sovereignty and right to self-determination. The United Nations resolutions concerning "land for peace", "food for oil" and "economic sanctions for punishment" had no meaning for the population and it was clear that peace would remain only a dream as long as such practices continued. In the case of "food for oil" the question was how the country was to guarantee the human rights of the survivors and prevent the deaths of 500 children a day when the arrangement only left Iraq 6.5 dollars per person per month, which was less than two cents per day for each Iraqi.

7. The Federation invited the Commission on Human Rights and the international community to support five proposals: to reject the policy of sanctions as a means of solving conflicts without any compromise, not only in Iraq but in all the Middle Eastern countries; to promote disarmament and the ratification of the Treaty on Non-Proliferation of Nuclear Weapons and the Biological Weapons Convention; to stop the expansion of settlements in the occupied territories and the confiscation of land and water resources; to restore the occupied territories in Lebanon and Syria; and to maintain the status of Jerusalem as a sacred and holy city for the three religions - Christian, Jewish and Muslim.

8. Mr. RAVENNA (Permanent Assembly for Human Rights) denounced the neoliberal policies which, by creating the new phenomenon of exclusion, termed social apartheid by two French economists, caused violations of human rights and fundamental freedoms.

9. The Government of President Menem in Argentina, on the pretext of reorganizing the economy according to the laws of the market place, had released the State from its responsibilities under the national Constitution

and the international covenants signed by Argentina, especially in the areas of health, education, security and justice. Pressure had been brought to bear on the judiciary in particular, so that impunity, corruption, drug-trafficking and mafia-type practices in general prevailed over compliance with the law. The belief that democracy alone guaranteed observance of human rights was not true. Democracies based on a neoliberal economic system, as in the case of Argentina, saw the emergence of State mafias which imperilled their institutions.

10. His organization welcomed the end of the conflict in Guatemala and hoped that the mandate of the expert who had been appointed would be renewed for as long as necessary to place peace and democracy in that country on a solid basis. It further called for the lifting of the embargo against Cuba, which adversely affected the right of individuals and nations to development and self-determination. It also associated itself with all those who urged the Indonesian Government to put an end to human rights violations in East Timor.

11. In conclusion, it asserted that it was impossible to guarantee civil and political rights if they did not go hand in hand with economic, social and cultural rights.

12. Mr. CASTILLO BARROSCO (Movimiento cubano por la paz y la soberanía de los pueblos) recalled that the United States Government still maintained the naval base at Guantánamo in Cuba, against the wishes of the Cuban people and Government. As a military enclave, it was the source of permanent tensions on account of the numerous acts of provocation launched by the United States against Cuba from Guantánamo. The United States Navy units stationed there used nuclear energy and thus exposed not only Cuba but the whole region to potential nuclear hazards. The tensions aroused by the presence of the Guantánamo base had been further increased by President Clinton's decision to make it a holding centre for foreign emigrants, particularly Haitians, endeavouring to enter the United States illegally. Since January 1996, the base had been used as a detention centre for such illegal emigrants.

13. As the presence of the Guantánamo naval base constituted a violation of the liberty and security of the person, which were fundamental rights enshrined in the Universal Declaration of Human Rights, he asked the international community to consider the removal of the base not from the point of view of Cuba's national interest, but as necessary for the observance of human rights, which was the subject of item 10 of the Commission's agenda.

14. Ms. LITTLE (Andean Commission of Jurists) informed the Commission of the concerns of the organization which she represented with regard to the human rights situation in the Andean region, where only two countries, Chile and Venezuela, had not resorted to a state of emergency. She pointed out that, even under an emergency regime, international human rights standards must be strictly observed.

15. In Colombia, some nine people were killed every day and there were on average 1,100 abductions annually. Abuses by the security forces, the presence of paramilitary groups, the corrupting influence of drug-trafficking and the activities of the guerrillas contributed to the deterioration of the human rights situation in that country. Impunity was a further aggravating

factor. In December 1996, more than 70 peasants had been massacred in the village of Monte de Maria, at the instigation of one of the more notorious leaders of the paramilitary groups. Although a warrant had been issued for his arrest, he had been neither captured nor punished. Her organization welcomed the Commission's decision to establish an office of the United Nations High Commissioner for Human Rights in Colombia but deplored the delay in bringing the project to fruition.

16. In Peru, where the numbers of disappearances and extrajudicial executions were decreasing, political violence had nevertheless come to the fore since the occupation of the Japanese Ambassador's residence in December 1996 and the taking of more than 400 persons hostage. It was to be hoped that the dialogue which had been initiated between the Government and the Tupac Amaru revolutionary movement would result in a peaceful settlement of the crisis. It was, however, the Shining Path which continued to be the main agent of the violence which still prevailed in Peru. The movement remained active in some isolated regions such as the departments of Ayacucho, Huancavélica and Upper Huallaga.

17. In the Andean region, social conflicts continued to create a climate conducive to human rights violations. It was essential for the countries of the region to continue to reform their institutions and, with the support of the international community, take all necessary legislative, economic and social measures to ensure observance of human rights.

18. Mr. LEBLANC (Franciscans International) said he was seriously concerned about the situation of human rights in Mexico and Colombia, as well as in the Great Lakes region of Africa.

19. In Mexico, particularly in regions such as north Chiapas, there had been a resurgence in the activities of paramilitary groups which threatened the local Ch'oles population. The fact that the justice system had taken no action against those groups was another source of concern. His organization endorsed the recommendations made to the Mexican Government by the Bartolomé de Las Casas Human Rights Centre in Chiapas; national and international organizations should intervene to ensure the security of all the inhabitants of the Ch'ole region; the United Nations Commission on Human Rights should recommend that the International Committee of the Red Cross should establish a camp for displaced persons; the international community should monitor the situation in Chiapas; the World Bank should exercise stronger leadership in the economic project which it was financing in the Chiapas region; lastly, the United Nations Commission on Human Rights should maintain an ongoing interest in the human rights situation in Mexico and envisage the possibility of a visit by the High Commissioner to Mexico, where non-governmental human rights organizations were subjected to systematic pressures.

20. In Colombia, enforced disappearances and summary executions, in the majority of cases accompanied by torture, were daily occurrences. The situation had deteriorated considerably in 1996 following an offensive unleashed by paramilitary groups operating with disconcerting impunity. The links between the armed forces and paramilitary groups were becoming more and more obvious, and the civilian judicial system had begun to hand over investigations to the military tribunals. That situation, compounded by the

Government's suspension of constitutional guarantees, further contributed to weakening what remained of Colombia's democratic system. It was a pity that the permanent office of the High Commissioner for Human Rights in Colombia had not yet begun to operate; that office would play a vital role in providing periodic reports on developments in the human rights situation in Colombia.

21. His organization asked the Commission on Human Rights to renew the mandates of the Special Rapporteurs for Rwanda, Burundi and Zaire, who played an indispensable role in reporting on the situation in the African Great Lakes region. He drew the Commission's attention to the main features of the plan of action drawn up by the Conference in Support of Democratic Opportunities in the African Great Lakes Region, held in Montreal in January 1997. They were the following: democracy could not thrive unless the practice of using violence as a political tool was stopped; civil society in the three countries mentioned should play a major role in the transition to democracy; women's associations should be encouraged to continue demonstrating their will and ability to bring about reconciliation; lastly, respect for human rights was a fundamental component of any genuine democratization process.

22. Ms. REINA (World Christian Life Community) said that the Community which she represented had for several years been following the human rights situation in Colombia. In a country where the authorities proclaimed the importance of observing the human rights embodied in the Constitution, more than 70 per cent of the crimes committed with almost complete impunity could be attributed to the Government's armed forces and the paramilitary groups encouraged by them. It was the armed forces which eliminated political opponents like the Unión Patriótica (Patriotic Union), committed massacres, practised torture and caused people to disappear. Colombia was a democracy which practised State terrorism.

23. In 1996 the Government of Colombia had continued to promote and arm the paramilitary groups known as rural security cooperatives, which spread terror throughout the country. On 14 February 1996, 170 families belonging to the same rural community had been evicted by those groups and 36 persons connected with the families had been murdered despite the attention the affair had received from the international community.

24. The Government both used and abused the state of emergency, taking advantage of it to continue to militarize the country, restrict fundamental rights and freedoms, commit further acts of violence and intensify the armed conflict. Social investments declined while 2 billion dollars had been allocated to the armed forces in 1996.

25. She cited the names of human rights activists who had been killed in Colombia in the course of the past year. She urged the Colombian Government to guarantee the physical integrity of Jaime Ortiz Londoño of whom there was no news and who was thought to be in the hands of the Colombian army. Lastly, she appealed to the Commission to condemn vigorously human rights violations in Colombia and ensure that the office of the High Commissioner for Human Rights in that country could duly perform its mandate.

26. Mr. MORA SECADE (Center for European Studies) deplored the increasing politicization of the human rights issue within the Commission and the

prejudice it revealed of exclusively targeting developing countries by appointing special rapporteurs for them. The credibility of the United Nations in the field of human rights was seriously undermined by such acts.

27. The fact that there was a special rapporteur for Cuba was due solely to pressure and blackmail by the Government of the United States of America which sought by every means to isolate Cuba from the international community, as the blockade imposed on that country for more than 35 years testified. A Government which starved a nation and exposed it to disease by imposing a criminal blockade on it had no moral right to put forward a resolution on human rights in Cuba. The people who had trained torturers on the American continent, who had organized the death squads and were responsible for thousands of political assassinations and disappearances could not set themselves up as judges of the human rights situation in Cuba. That situation was perhaps far from perfect but no serious violations of human rights were to be observed in Cuba, such as extrajudicial executions, disappearances, torture and other inhuman treatment, although they abounded in other Latin American countries for which no special rapporteur had been appointed.

28. Since 1959, with increasing participation by its citizens, institutions and civil society organizations, Cuba had been advancing towards the model of society which it had chosen and not that which its enemies sought to impose on it. In so doing, the Cuban Government wished to extend its cooperation with the United Nations human rights bodies, but the selective and discriminatory policy practised by the United Nations was a serious obstacle to that aim. The money which the United Nations spent each year to finance the services of the Special Rapporteur on the situation of human rights in Cuba could be used to defend more just and useful causes. However, the true price paid by the United Nations was its credibility in the eyes of the Cuban people and a large part of the international community who doubted the impartiality of its institutions, particularly of the Commission on Human Rights.

29. Ms. GONZALEZ (International Federation of Human Rights Leagues, FIDH) voiced the concerns of her organization and its partner organization in Nigeria, the Civil Liberties Organisation, concerning the deterioration of the human rights situation in that country and the total lack of cooperation of its military Government with the United Nations, as witnessed by its refusal to authorize the visit of the two Special Rapporteurs who had hoped to visit the country in February 1997. The purported transition to democracy was no more than a well-orchestrated campaign aimed at transforming the military dictatorship into a civilian government. Her organization called on the Commission to adopt a resolution appointing a special rapporteur on the situation of human rights in Nigeria, to report to the Commission at its fifty-fourth session.

30. In Chad, the authorities bore a heavy responsibility in the gross and systematic violations of the human rights of the population. Her organization and its affiliate, the Chadian League for Human Rights, considered that it was high time for the Commission to react. They urged the Commission to condemn publicly the violations of human rights in Chad and to appoint a special rapporteur for that country.

31. In Bahrain, it was becoming increasingly obvious that the Muslim Shi'ite majority was being subjected to a discriminatory policy. Detainees in Bahrain, including women and children, were systematically tortured. Extrajudicial executions and arbitrary detentions were commonplace. Such flagrant violations of human rights were perpetrated with the collaboration of foreign States, in particular some Arab countries and the United Kingdom. Her organization and its member organization in Bahrain, the Committee for the Defence of Human Rights and Democratic Freedoms, called on the Commission on Human Rights to condemn the violations of human rights in Bahrain and urged the Government of Bahrain to invite the Special Rapporteurs who had asked to visit the country to do so.

32. In Turkey, her organization and its affiliate, the Human Rights Association in Turkey, considered the reforms undertaken by the Government to be inadequate. The length of time spent in police custody should be shortened and unconvicted prisoners should have the right of rapid contact with their lawyers. A new constitution conforming to international human rights law was urgently needed. Similarly, the Turkish Government should invite the Special Rapporteur on extrajudicial executions, the Special Rapporteur against torture and the Working Group on Enforced or Involuntary Disappearances to visit Turkey. Her organization and the Human Rights Association in Turkey urged the Commission to condemn violations of human rights in that country and to establish a monitoring mechanism to report on the situation to the Commission at its fifty-fourth session.

33. In China, a careful analysis of the situation showed that the repression of dissent had become still harsher over the past three years. The death of Deng Xiaoping had brought little change. Her organization urged the Commission to act by adopting a resolution on China.

34. The "Colectivo de Abogados" (Lawyers Association) and the Comite permanente por la defensa de los derechos humanos (Permanent Committee for the defence of human rights), two member organizations of the Federation, were deeply concerned at the human rights situation in Colombia, where some 10 persons were assassinated daily for political or ideological reasons. Approximately 30 per cent of those assassinations could be attributed to the guerrillas, whereas more than 70 per cent were committed by State agents and paramilitary groups. Those violations of human rights took place with almost total impunity. Her organization requested the Commission to consider the question of the critical situation of human rights in Colombia under item 10 of the agenda of its fifty-fourth session.

35. Mr. KHAN (World Society of Victimology) noted that the question of Kashmir had been on the agenda of the world community for a very long time but that nothing had been done to prevent India from occupying the tiny territory and deploying 42 per cent of its military strength there. Its military presence was not only a violation of United Nations resolutions, but the abuses committed by members of the Indian armed forces were unfortunately part of the daily life of the inhabitants of Kashmir. For example, in violation of resolution 1996/70 adopted by the Commission at its fifty-second session, the Indian State had commissioned the assassination of the Chairman of the Jurist

Commission on Human Rights, Jalil Andrabi, who had addressed the Commission, and members of the family of the permanent representative of the World Society of Victimology at the United Nations.

36. Unfortunately, until such time as the United Nations took a firm stand on behalf of the inhabitants of Kashmir, the Indian forces would continue to make war on them. It was high time for the Commission and the NGOs to take serious notice of the human rights situation in Kashmir, the main victims of which were women and children.

37. He himself was a parliamentarian in Azad Kashmir. When the inhabitants of the region witnessed the arrival of refugees with their mutilated bodies and tortured souls it was difficult to contain their anger and to prevent violence from breaking out. Major efforts were being made to preserve their faith in the efficacy of the United Nations despite Indian atrocities, but it was for the United Nations to assume its responsibilities.

38. Mr. SIMMONS (International Indian Treaty Council) drew the Commission's attention to the pervasive violations of human rights caused by the militarization of indigenous territories and the impunity enjoyed by State military forces in their repression of indigenous peoples.

39. In Papua New Guinea, the indigenous peoples of Bougainville had for almost a decade been undergoing gross and flagrant violations of human rights committed by the Government's defence forces and paramilitary groups associated with them, as a United Nations Special Rapporteur and several non-governmental organizations had documented.

40. In Burma, thousands of Karens had been driven from their homes by the Burmese army and hundreds of them had been murdered, raped or enslaved, according to the evidence of human rights groups. Some 30,000 had fled into the jungle or across the border to Thailand.

41. The pattern of the militarization of indigenous lands was spreading throughout the world and was accompanied by flagrant violations of human rights which went unpunished. An example could be found in the clashes which had taken place in Chiapas (Mexico), on 14 March, between the government forces and several dozen indigenous Tzotziles, which had resulted in four deaths and led to the arrest of at least 29 persons and the flight of hundreds of members of the community. In other cases recounted by the Mexican NGOs and implicating the public security forces, the judicial police, the State police, paramilitary groups and federal military forces, the majority of the victims of arbitrary detention and torture or of disappearances had reportedly been executed by their captors so as to maintain the clandestine nature of the repression.

42. He denounced the continuing military support of the United States, in the name of the war against drugs and terrorism, for human rights violations committed in Mexico and in other countries to the detriment of indigenous lands and communities. It had reportedly decided to continue to supply arms to the Guatemalan military in the name of the "war against drugs"; at the same time, the indigenous populations of Guatemala, who were the victims of past and current human rights violations, feared that the so-called "law of

national reconciliation" recently adopted by the Guatemalan Congress would legalize the impunity of the military. His organization condemned in the strongest of terms the extrajudicial execution of a distinguished indigenous leader in the community of San Rafael Sumatan (Department of Chimaltenango), Tomás Alonzo Sequen, and his son on 21 March 1997, in front of members of their family. Amnesty International had expressed fears for the safety of the family members who had witnessed the killings.

43. His organization once again recommended that the Commission on Human Rights should seriously consider making a special study of militarism and indigenous peoples, stressing that for five centuries gross, constant and flagrant violations of the human rights and fundamental freedoms of indigenous peoples and the impunity enjoyed by their perpetrators had been the continued expression of foreign domination over the indigenous peoples who were the victims, and over their lands, cultures, religions and their very way of life.

44. Ms. HARRY (International PEN) said that her organization was concerned about the lack of improvement of the situation in a number of countries where writers were imprisoned for expressing their views; legislative reforms recently adopted in some countries had only brought superficial improvement since the numbers of those imprisoned had not decreased. An example was Turkey, where a more lenient interpretation of article 8 of the Anti-Terror Law had led to the release of many prisoners of opinion, who had, however, found themselves facing new trials under the new legislation. At least 80 writers and journalists were still detained under that legislation and at least 60 others had received new sentences but remained at liberty pending the result of an appeal or as a result of a suspended sentence. Another concern was the harshness of the fines that could be levied under article 8.

45. While welcoming recent statements by the Minister for Foreign Affairs, Ms. Tansu Ciller, her organization urged the Turkish Government to abolish or revise article 8 of the Anti-Terror Law with a view to deleting from it crimes of opinion, to release all persons detained in violation of their right to freedom of expression and to classify all ongoing judicial procedures which violated that right.

46. In the case of the People's Republic of China, her organization welcomed the debate that had been opened on some legislative reforms, including the suggestion that the crime of "counter-revolution" should be replaced by "jeopardizing national security"; she noted, however, that some 30 writers at least were serving lengthy prison sentences and urged the Chinese authorities to take advantage of the opportunity to delete from Chinese law all provisions criminalizing free speech.

47. In Nigeria, the Government had recently announced plans to set up a press court which would try journalists for "reporting untruths", alongside more rigorous enforcement of the regulations concerning the granting of annual press licences. Those moves were further attacks on freedom of expression at a time when five eminent dissident journalists were already in detention because of their writings and at least four other writers had been arrested in 1997. Other countries where a number of writers had been imprisoned in violation of their right to freedom of expression included Ethiopia, Cuba, Indonesia, Myanmar, South Korea, Viet Nam, Iran, Kuwait and Syria. Her

organization therefore called on the Commission on Human Rights to invite all Governments to adhere to article 19 of the Universal Declaration of Human Rights, to release all persons held for the peaceful exercise of the right to freedom of expression and to bring their legislation into line with international standards in that regard.

48. Mr. ZACHEOS (Observer for Cyprus) pointed out that, almost 23 years after the invasion of Cyprus and the occupation of 37 per cent of its territory by Turkey, the human rights and fundamental freedoms of the population continued to be flagrantly violated in disregard of the relevant resolutions of the United Nations, the Commission on Human Rights and other international organizations.

49. The systematic policy of "ethnic cleansing" applied by the occupying Power against the Greek Cypriots shortly after the invasion continued to have repercussions. The Greek Cypriot refugees who demanded the right to return to the homes from which they had been expelled in 1974 or after, thereby claiming the application of a fundamental human right, guaranteed under international and humanitarian law, found themselves opposed by the 35,000 heavily armed men of the occupying Power.

50. The right to life was no better respected by the Turkish occupying forces, as could be seen from the absence of any judicial proceedings following the brutal murder of four Greek Cypriots in the summer of 1996 and the reinforced collaboration with extremist organizations, one of which had allegedly participated in the attempt on the life of the Pope.

51. The establishment of 90,000 settlers from mainland Turkey continued, in breach of the Fourth Geneva Convention, with adverse consequences for the Turkish Cypriots themselves who had been forced to emigrate and whose numbers had considerably declined. Another serious aspect was the plight of the few Greek Cypriots and Maronites living in the occupied part of the island; while in the wake of the invasion 20,000 Greek Cypriots had decided not to leave, after 22 years their numbers had declined to 500, as a result of a persistent policy of harassment, racial discrimination and intimidation. The Secretary-General of the United Nations had noted as much in paragraph 15 of his report to the Commission on Human Rights (E/CN.4/1997/48), of 7 February 1997, when he stated that "The key restrictions on Greek Cypriots and Maronites living in the northern part of Cyprus ... persist". Greek Cypriots were not permitted to bequeath property to their next of kin, and that had led to an increase in expropriations. Greek Cypriot students, over the age of 16 in the case of boys and over the age of 18 in the case of girls, attending school in the south of the island were unable ever to return to their homes in the occupied sector. The humanitarian review conducted by the United Nations Peace-Keeping Force in Cyprus in 1995 had confirmed that the persons settled in the northern sector had nothing like the normal life they had been promised under the 1975 Vienna Agreement. The United Nations had submitted 16 recommendations for improving the lives of Greek Cypriots living in the north of the island and six recommendations concerning the Maronites living in the same zone. None had been heeded although paragraph 13 of the Secretary-General's report stated that Turkish Cypriots living in the southern part of the island "are accorded the same legal rights and privileges as Greek Cypriots".

52. The issue of the missing persons, as one of the most tragic aspects of the Cyprus problem, finally required a solution based on universally accepted human rights principles, with the cooperation of the Republic of Turkey. He commented in particular on the policy of "Turkification" applied in the occupied sector, the effects of which were the destruction and looting of the archaeological heritage and the conversion of large numbers of churches and monasteries into mosques or into barracks or entertainment centres. Although the problem of Cyprus was not a front-page issue for the international media, it nonetheless constituted a test of the effectiveness of the United Nations in the post-cold-war era.

53. Mr. GUPTA (Indian Council of Education) said that the problem of security in each country should not obscure the equally important question of the security of individuals and the preservation of their rights. It was necessary, but not sufficient, to put an end to the production and testing of nuclear weapons and halt NATO's expansion eastwards, since human life was also threatened every minute by the use of small-scale weapons and explosives which were available to any interested person in many countries and could be handled easily by one or two people. France, Algeria, the Russian Federation, India, Pakistan and the United States of America had recently been the target of terrorist acts. Moreover, people were dying senselessly because psychopathic or deranged persons had possession of firearms. Access to smaller types of weapons and explosives increased fear and instability and provoked civil war and armed clashes between countries; they were also used by the mafia and organized criminal groups.

54. Where the protection of the right to life was concerned, the question of a free market in firearms had arisen in many countries. The radical solution of banning them completely was unrealistic as arms manufacturers constituted influential pressure groups in producer countries. Indeed, many citizens who found themselves obliged to live in conditions of instability and an ever-growing fear of terrorism, considered that they had the inalienable right to possess and carry firearms for self-defence, thus creating a vicious circle.

55. In many countries, the phenomenon of "contract killings" had become widespread and professional killers were in great demand. The weapons business was also often linked, geographically as well, to drug-trafficking; the most dangerous regions were those where domestic ethnic, national or religious conflicts raged, aggravated by external interference, and the authorities were not in a position to control the situation. A typical case was that of Afghanistan.

56. Since the principal human right was the right to life and since it devolved on the entire international community to preserve each individual from the danger of being killed, maimed or humiliated, special measures must be taken to prevent the spread not only of weapons of mass destruction but also of smaller types.

57. Ms. GRAF (International League for the Rights and Liberation of Peoples) listed the daily violations of human rights in Colombia in 1996 - more than four trade union activists or peasants murdered, three persons killed in the context of the domestic armed conflict, one person killed for being a drop-out

and therefore regarded as a delinquent; in all, more than 10 killings per day. Population displacements within the country were a further factor. Over the past 10 years, 1 million persons had had to flee from political violence, the main perpetrators of which were the Colombian State and the paramilitary groups. In the region of Urabá alone, the savagery of those groups' activities had caused the displacement of some 50,000 persons.

58. Of particular concern were the reforms which the Government of Colombia had attempted to make to the Constitution in order to curb the role of the courts and the functions of the Constitutional Court and establish a special regime for the armed forces to allow them to evade all control. The paramilitary or self-defence groups for their part, which had been legalized as private security associations known as "Convivir", targeted not only the insurgents, but also all those they described as "enemies of public order" within the civilian population.

59. The previous year, the Chairman of the Commission on Human Rights had recognized that the human rights situation in Colombia had worsened. It had been further aggravated in 1996. Her organization wondered how the Commission could claim to apply the principles of objectivity, impartiality and non-selectiveness in appointing a rapporteur for Cuba but not for Colombia. Her question was the same as that of the previous year: how long must the tally of dead and missing persons among the people of Colombia be before the international community finally assumed its responsibilities?

60. Referring to item 10 (a) of the Commission's agenda, she appealed to all those who had any influence on Turkey to induce it finally to change its attitude and apply the Security Council and General Assembly resolutions requiring respect for the sovereignty and territorial integrity of the Republic of Cyprus, the withdrawal of foreign forces, the departure of settlers and the return of refugees, the conservation of the demographic composition of the Republic and the restoration of the fundamental rights of the Cypriot people.

61. Mr. DAHAL (International League for Human Rights) said that when a State felt no threat to its authority and was well regarded by its people, respect for the human rights guaranteed by international law was unremarkable, but that when a State was threatened by forces within, the culture and practice of human rights became essential for its continued legitimacy. He cited the case of the Government of Nepal which, particularly in areas where the Communist Party of Nepal (Maoist) held sway, had outlawed itself vis-à-vis its people by causing the escalation of violence in the country and using the threat of the Communist Party to undermine the fragile democratic tradition established under the Constitution in 1991. On the pretext of combating "terrorism" and in so-called "encounters" between the police and armed Maoist activists, the police had on a number of occasions used unjustified force and killed several people. Between February 1996 and January 1997, at least 66 people had been killed or tortured to death by the police during the alleged "encounters". It seemed from the reports of fact-finding missions by Nepalese human rights organizations and according to eyewitnesses that in many cases there had been no "encounter". During the people's war, hundreds of people, including journalists and lawyers, had been illegally arrested, detained, imprisoned and subjected to torture and inhuman treatment. The women had been raped and

subjected to sexual harassment. The police had carried out house raids without a search warrant and thousands of people had been displaced and had lost their homes.

62. Since the Government could not ignore fundamental human rights even in a situation of emergency and was moreover party to the International Covenant on Civil and Political Rights and the Convention against Torture, his organization asked the United Nations to give the Special Rapporteur on extrajudicial, summary or arbitrary executions the task of investigating the situation in Nepal. He further asked the Commission on Human Rights to call on the Government of Nepal to cease forthwith the massacres of innocent persons, to put an immediate end to the arbitrary activities of the police in all districts involved in the people's war, to bring to justice the perpetrators of extrajudicial executions, acts of torture and other human rights violations and to establish an impartial judicial commission, comprising human rights activists in particular, to investigate the loss of life and property during the people's war and to resolve the issue through peaceful dialogue.

63. Mr. ITTY (Anglican Consultative Council) said that his organization was disturbed at the continued fighting and the deteriorating political climate in the Great Lakes region, particularly Zaire. Referring to Security Council resolution 1978 (1996) of 9 November 1996, which took note of the communiqué of the regional summit on the crisis in eastern Zaire held in Nairobi (S/1996/914), the Council requested the Commission on Human Rights to urge the Government of Zaire to cooperate in a number of activities for preserving the stability and the territorial integrity of the region, including: the agreement of the Government of Zaire to participate in a regional plan based on the immediate cessation of all hostilities and a complete ceasefire and negotiations in good faith; commitment by the Commission on Human Rights and other United Nations agencies to preserving the territorial integrity of countries parties to a ceasefire agreement; authorization of the Government of Zaire for the transport of food and medical and other humanitarian supplies to refugee camps managed under the auspices of multinational humanitarian relief personnel; guarantees by the Government of Zaire of the voluntary and peaceful repatriation of refugees in consultation with the States concerned; urging by the Commission on Human Rights of all neighbouring Governments and those with formal or informal ties with the region to desist from training soldiers or paramilitary forces, and from the sale, transport, purchase or conveyance of weapons or munitions; compliance by the Government of Zaire with the letter and spirit of Commission resolution 1996/77 calling upon it to cooperate in the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa.

64. Given the potential for economic advancement in the Great Lakes region, and the need to end the massacres and the suffering of thousands of innocent civilians, the Council considered that lasting peace could only be achieved by the Government of Zaire working together with the implementing mechanisms of the Commission on Human Rights, under the auspices of a multinational humanitarian relief task force.

65. Mr. CALZON (Freedom House) said that his organization, which for over 50 years had opposed every type of dictatorship, had in its 1996 annual

report, entitled "Freedom in the world", listed 17 countries and five territories as the most repressive regimes in the world. They were Afghanistan, Bhutan, Burma, Burundi, China, Cuba, Equatorial Guinea, Iraq, North Korea, Libya, Saudi Arabia, Somalia, Sudan, Syria, Tajikistan, Turkmenistan, Viet Nam and the territories of East Timor, Kashmir, Kosovo, Tibet and West Papua. A combined population of 1.5 billion human beings were denied the most fundamental human rights.

66. Of the most repressive regimes, Cuba was the only one in the western hemisphere. Although the Cuban Government had been a member of the Commission on Human Rights for several years, it continued to deny access to the Commission's Special Rapporteur, just as it had not allowed the International Committee of the Red Cross to visit Cuban prisons since 1989. Although Cuba was a signatory of the Universal Declaration of Human Rights, its President for life, Fidel Castro, violated most of the articles of the Declaration, particularly articles 19 and 20 which guaranteed freedom of speech and freedom of assembly. However, a totalitarian society in the heart of the Americas at the end of the twentieth century could no longer hide its crimes and many Cuban men and women were working for the cause of human rights and seeking peaceful solutions to Cuba's many problems. They courageously risked beatings, harassment, imprisonment and forced exile to bear witness to the plight of their fellow Cubans.

67. However, in denial of article 13 of the Universal Declaration of Human Rights, the Government of Fidel Castro had refused permission to five human rights activists to come to Geneva to testify to the penal and prison situation and the medical and health situation in Cuba and confirm the regime's total lack of democratization.

68. Mr. GEBRIEL (World Federation of Democratic Youth) said that the war between Rwandan-backed rebels in Eastern Zaire and the Zairian army threatened to undermine still further political stability and the security of persons in the Great Lakes region, which included some of Africa's most densely populated countries. Of the five countries of the region, Rwanda, Burundi, Zaire and Uganda were to a greater or lesser extent affected by the war, the instability and the ethnic-inspired massacres; only Tanzania, which had recently organized multi-party elections, appeared to be an island of peace in a troubled sea. The situation had been aggravated by the refugee problem to which the international community had, for more than two years, shown itself incapable of finding a durable solution.

69. The region could not on its own maintain peace and create new political institutions because people who had been traumatized by war, genocide and ethnic hatred were not likely on their own to show the maturity and discipline required to rebuild social life, communities and institutions. The solution was to be found in a disciplined, well-funded and well-equipped pan-African military intervention force which, unlike an international intervention force, would be capable of creating the necessary conditions for the return of refugees and also of undertaking the difficult task of disarming warring factions and dismantling the piles of weapons in the hands of rival factions.

70. Some countries, such as Nigeria, Sudan and Zaire, blamed others for the failure to meet the legitimate aspirations of the peoples of Africa, a failure

which could only be attributed to themselves. In October 1995, the military Government in Nigeria had promised a return to civilian government no later than 1998. Although some cosmetic measures had been taken, it was clear that the Government had no intention of meeting its commitment. Restrictions on fundamental rights and individual freedom had not been abrogated and the judiciary was still in the power of the executive, which showed no signs of releasing the many politicians, human rights activists and trade unionists in custody. The right of association and peaceful assembly was flouted and many objective observers believed that the Government had manipulated the local elections of March 1996 and the country's political, legislative and administrative structures in order to reinstall the military junta, in civilian dress, if necessary.

71. In conclusion, his organization intended to see to it that the Commission adopted strong and effective measures to help improve the human rights situation in Nigeria, Sudan and Zaire.

72. Ms. HERTZ (Chile), referring to how human rights issues were handled in the Commission, said she was concerned to note that the pursuit of political objectives was apparent in the consideration of certain situations, thus diminishing the moral force which the Commission's resolutions and decisions should have; it was no longer only respect for and promotion of human rights that mobilized the international community but other interests. Equally disquieting were the persistent attempts of some States to undermine the foundations of the international system for the protection of human rights. The frequency with which those States denounced any step taken by the Commission as unacceptable interference in the internal affairs of countries was visible proof.

73. Those two approaches - the use of human rights for political ends and the denunciation of any action by the Commission as illegitimate on the grounds that it was motivated by political considerations - not only prevented the Commission from taking action against serious violations of human rights and fundamental freedoms, but also contributed to creating a climate of conflict between States and between States and the international system. Genuine cooperation based on good faith and the will actually to protect human rights were thus made unattainable.

74. Her delegation was all the more aware of such pitfalls because her country had itself been the subject of the Commission's attention for many years and the Commission's mechanisms had played a decisive role in protecting many Chileans. For that reason, Chile attached great importance to the Commission's activity, the legitimacy of which it was vital to protect. The fact that it was misused by certain States should not obscure its true objective of protecting and ensuring observance of human rights and fundamental freedoms. It should not be forgotten that the Commission on Human Rights was the principal body of the United Nations system with jurisdiction to deal with serious violations of those rights, hand down a decision and decide what measures were to be taken. The international community must therefore ensure that respect for those rights and freedoms was the Commissions's only motivation.

75. Mr. Zahran (Egypt) took the Chair.

76. Mr. GOONETILLEKE (Sri Lanka) said that his country had been taking major initiatives to introduce far-reaching constitutional reform and to find political solutions to ethnic problems. On 2 April a historic agreement had been signed between the President of Sri Lanka, as leader of the People's Alliance, and the leader of the United National Party, the main opposition party in Parliament. The draft text of the new Constitution, with the exception of certain articles which were still under discussion, had been published on 26 March 1997 following more than 15 months of extensive discussions in the parliamentary Select Committee for Constitutional Reform, with the participation of all political parties. One objective of the proposed reforms was the further strengthening of the guarantees of human rights and fundamental freedoms.

77. The mechanisms adopted by Sri Lanka to promote and protect human rights included a Parliamentary Commissioner for Administration (Ombudsman), to investigate infringements of fundamental rights by public officials; the Human Rights Commission of Sri Lanka, established the previous month, comprised five eminent members among whom were a Tamil and a Muslim representing the minorities. Following the establishment of the Commission, the Government intended to ratify the Optional Protocol to the International Covenant on Civil and Political Rights.

78. In response to the situation created by terrorist violence, leading to allegations of disappearances, arbitrary detention, torture, extrajudicial executions, etc., the Government had established several mechanisms. In addition to the Human Rights Task Force, the structure of which perhaps should be reviewed having regard to the establishment of the Human Rights Commission of Sri Lanka, there were three Commissions responsible for investigating allegations of disappearances in different regions of the country and which submitted periodic reports to the President.

79. Regarding the situation in Jaffna, since the clearance of the LTTE (Liberation Tamil Tigers of Ealam) from the peninsula in April 1996, a transition to a normal civil administration was taking place and political parties, including the Tamils, were being encouraged to play a role. By the end of 1996, over 400,000 internally displaced persons had voluntarily returned to Jaffna despite the LTTE diktat, and since October 1996 a further 55,000 civilians had joined them. Food and other essential items were arriving regularly by ship from Colombo. The Government was working closely with such international organizations as UNHCR, UNICEF, UNDP, ICRC, MSF and several other reputable NGOs to provide a social and economic infrastructure and humanitarian assistance. It had set up a body specifically to coordinate such work. It also continued to render humanitarian relief assistance to the Wanni areas in the full knowledge that part of the supplies were being taken by the LTTE, which was entrenched there, for its own cadres.

80. The Government had strongly condemned the cases of human rights violations referred to by the representatives of some NGOs and intended that the full rigour of the law should be brought to bear on the wrongdoers. The cases had been brought to light by the country's independent media, testifying to the reality of Sri Lanka's press freedom and freedom of expression. Despite the Commission's decision at its fifty-first session to condemn the human rights violations of the LTTE and the invitation to the movement to

respond positively to the steps taken by the Government to achieve a lasting political solution, the LTTE had continued its acts of destruction and destabilization, resulting in the loss of hundreds of civilian lives. The tight security measures that had become necessary in the city of Colombo and other population centres caused inconvenience to the civilian population living there, particularly the Tamils. Since, according to certain sources, more than half of the LTTE's resources came from abroad, the Government sincerely hoped that the Governments of countries from which the money came would take effective measures to put an end to the fund-raising activities.

81. The Government, realizing that no democratically elected regime could afford to neglect the protection of human rights, had committed itself to constructive collaboration with the Commission on Human Rights, the Human Rights Committee, other United Nations human rights bodies, international humanitarian agencies and internationally-recognized NGOs. It was in that spirit that it had invited and facilitated two visits by the Working Group on Enforced or Involuntary Disappearances and the representative of the Secretary-General on internally displaced persons. It had also invited the High Commissioner on Human Rights and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country.

82. Mr. KONISHI (Japan) recalled that the Vienna Declaration and Programme of Action stated that it was the duty of States, regardless of their political, economic and cultural system, to promote and protect all human rights and fundamental freedoms. Consideration of the human rights situation in specific countries therefore did not constitute interference in their internal affairs. His delegation fully supported the mechanisms established by the United Nations in that respect, particularly the institution of country rapporteurs, who provided the Commission with accurate and objective information on the real situation in the countries under consideration. It therefore urged that all countries which had not already done so should invite the special rapporteurs to visit them or should cooperate with them in the discharge of their mandate.

83. The human rights situation in certain countries continued to cause great concern. In Afghanistan, for example, the continuing conflict involved widespread violations of human rights, as was evident from the report of the Special Rapporteur (E/CN.4/1997/59). His Government urged all parties in the conflict to agree on an immediate ceasefire and to work closely with the United Nations Special Mission to Afghanistan to achieve a comprehensive political solution to the conflict and the establishment of a democratic government.

84. His delegation welcomed the improvements in human rights in China, and particularly the Government's announcement that it intended to sign the International Covenant on Economic, Social and Cultural Rights before the end of the year. His Government was ready to provide China with any necessary technical assistance for that purpose and would continue to stress the importance of dialogue and technical cooperation to help that country to intensify its efforts to achieve a material improvement in its human rights situation.

85. Where Colombia was concerned, his Government welcomed the opening of a permanent office of the High Commissioner for Human Rights in Bogotá, but, noting with concern that human rights violations had continued, hoped that the Colombian Government would take the necessary steps to put an end to them. It expressed the same hope with regard to Cuba, where much still remained to be done in respect of human rights, and urged the Government of Cuba to allow the Special Rapporteur on the situation of human rights in Cuba to visit the country and to carry out the recommendations contained in his report (E/CN.4/1997/53).

86. His delegation continued to feel concern regarding the situation in Cyprus, particularly in view of the acts of violence committed near the buffer zone in 1996, which had caused casualties not only among Cypriots but also among United Nations peace-keeping force personnel. It sincerely hoped that negotiations between the two sides under the auspices of the Secretary-General would develop.

87. His delegation hoped that the Government of the Islamic Republic of Iran would continue to cooperate with the international community, especially the Commission on Human Rights, as it had already done in inviting the Special Representative to visit the country. It noted with considerable concern, however, the uncooperative attitude of the Government of Iraq, as evidenced in the report (E/CN.4/1997/57) of the Special Rapporteur on the situation of human rights in Iraq, which showed little improvement. It particularly shared the concerns of the Special Rapporteur regarding the situation of the Shi'ite community in the south and the Kurds in the north as well as the question of missing Kuwaitis and third-party nationals. He therefore urged the Government of Iraq to implement Security Council resolutions 686 (1991) and 688 (1991) and to cooperate actively in implementing resolution 986 (1995) establishing the oil for food arrangement, which it had ultimately accepted. His delegation was also very concerned about the situation in another Asian country, Myanmar, where no progress had been made since 1996. It very much hoped that the Government of Myanmar would enter into a dialogue with the international community and cooperate with the United Nations, in particular the Commission on Human Rights. It welcomed Myanmar's decision to invite the Special Representative to visit the country from 7 to 10 May 1997. His Government had also been closely following events in East Timor and noted with pleasure that the Indonesian Government had shown its willingness to protect and promote human rights by opening an office of the National Human Rights Commission in East Timor and cooperating with the United Nations. His delegation hoped that the appointment of the new special envoy of the Secretary-General on that issue would expedite the discussions between Indonesia and Portugal under the auspices of the Secretary-General.

88. Turning to the situation in some African countries, his delegation noted that, in spite of a few slight improvements, the human rights situation in Nigeria remained a matter for considerable concern, and it called on the Government of that country to take the necessary steps to ensure the transition towards democracy in that country without further delay. It also urged that Government to agree to the proposed visits by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions. Where Rwanda was concerned, it welcomed the commitment made by the Government to restore

the rule of law and protect and promote human rights and hoped that the dialogue to promote national reconciliation would be strengthened. In the case of Burundi, his delegation viewed as alarming the deteriorating human rights situation portrayed in the report of the Special Rapporteur (E/CN.4/1997/12 and Add.1) and called on all the parties to the conflict in that country to initiate without delay a constructive dialogue. In Sudan, too, the human rights situation was far from encouraging, as the report of the Special Rapporteur (E/CN.4/1997/58) revealed. His delegation therefore urged the Government to continue its efforts to improve matters and, in particular, its cooperation with the Special Rapporteur. Finally, in Zaire, despite the establishment of the National Commission on Human Rights and the opening of an office of the Centre for Human Rights in Kinshasa, the human rights situation had further deteriorated, especially in eastern Zaire. His delegation therefore supported Security Council resolution 1097 (1997) which endorsed the five-point peace plan proposed by the Special Representative for the Great Lakes region.

89. Lastly, his delegation took note of the positive signs in the former Yugoslavia, such as Croatia's acceptance of an OSCE mission and the agreement of the Federal Republic of Yugoslavia to the establishment of an office of the High Commissioner for Human Rights in Belgrade. His Government had been actively participating in the efforts of the international community to resolve the conflict in the country, and had contributed human and financial resources to the elections held in Bosnia and Herzegovina in September 1996. It would follow with interest the forthcoming elections in Eastern Slavonia and in Bosnia and Herzegovina in the hope that they would reflect the genuine will of the population. It was deeply concerned at the human rights violations in the province of Kosovo and urged the leaders of the Federal Republic of Yugoslavia and of Kosovo to initiate a dialogue in order to find a lasting solution to the problem.

90. In conclusion, his delegation hoped that all countries in which violations of human rights took place would make further efforts to put an end to them.

91. Mr. AL-TIKRITI (Observer for Iraq) said the importance of agenda item 10 lay in the fact that it allowed different human rights situations in many countries to be presented, so that the best ways of promoting and defending human rights could be determined. That was why those issues must be tackled in a neutral and objective manner, free from all political considerations. Unfortunately, there were many who ignored that golden rule and, in bemoaning the human rights situation in Iraq, omitted to state the true reasons which prevented that country's Government from taking the necessary steps to remedy the situation. It was imperative to stop using human rights to wage a campaign against Iraq, destabilize the country, divide its people and infringe upon its sovereignty and territorial integrity.

92. The violations that occurred in Iraq were the result, firstly, of the flight ban on civil aircraft which violated the individual's right to life. Most of the old and the sick had died from lack of care or medicines or because of the arduous conditions of road travel to Jordan, while United Nations personnel could be flown rapidly abroad by special plane for treatment the merest cold. The imposition of "no-fly zones" in northern and

southern Iraq was completely unjustified and was not provided for in any Security Council resolution. It was a decision which had been taken by certain States essentially to protect the strategic interests of the United States in the region, and not human rights as they claimed.

93. The maintenance of the economic embargo had exacerbated the sufferings of the Iraqi people and involved gross violations of their rights in all areas, but especially their right to survival, as clearly emerged from numerous reports by international agencies and particularly the report submitted to the General Assembly at its fifty-first session (A/C.3/51/6). Those States, led by the United States, which insisted on the maintenance of the economic sanctions against Iraq were in fact seeking to evade their moral and humanitarian responsibilities by making the Government of Iraq responsible for its people's sufferings. The incessant interference by the United States to block the implementation of the Memorandum of Understanding on the oil for food procedure signed by Iraq and the United Nations showed the falseness of those allegations, which other Security Council members had indeed rejected.

94. It was therefore clear that the violations of individual and collective human rights in Iraq were the result of the interference of the United States and its allies in that country's internal affairs. If respect for human rights was to be ensured in Iraq, that interference must be ended and the economic sanctions lifted. It made no sense that, while the Commission was discussing the means of defending human rights, the genocide to which the entire people of Iraq were being subjected was being passed over in silence.

95. Mr. HAUGESTAD (Observer for Norway) drew the Commission's attention to some countries where the human rights situation was particularly disturbing. In the former Yugoslavia, despite some improvements, much yet remained to be done, particularly in the Kosovo region where no progress had been made regarding human rights. In Turkey, too, serious abuses of human rights were still taking place. The Turkish authorities must make every effort to put an end to them, to guarantee freedom of expression and equality before the law, and to permit the Kurds to express their cultural identity and use their language.

96. In Africa, human rights violations had also increased in some countries, particularly Algeria where tens of thousands of innocent civilians had perished in the conflict which had ravaged the country since 1992. In Nigeria, the authorities had refused to cooperate with the Commission's Special Rapporteurs or to comply with the relevant United Nations resolutions. In the Great Lakes region, hundreds of thousands of persons were suffering from the atrocities of war. The Governments of Zaire, Burundi and Rwanda must do their utmost to promote peace and reconciliation and ensure the safety of all groups in the population. The same applied to Sudan, where again the Government must re-establish its cooperation with the Special Rapporteur and comply with all relevant United Nations resolutions and recommendations.

97. In Asia, the situation had changed little in countries such as the Islamic Republic of Iran, where the number of executions had actually increased and freedom of speech and religion were not respected. The world community should take international sanctions against that country. In Iraq, the increase in the number of summary executions and disappearances and the

lack of legal protection were particularly disturbing. In East Timor, in view of the abuses committed by the military, the Indonesian Government must take the necessary steps to ensure respect for internationally recognized human rights. China must continue its efforts to improve the human rights situation in the country, which was still less than satisfactory. The Government of China should in particular take care to respect the ethnic, cultural and religious identity of the Tibetans. In Burma, where the situation had also deteriorated, the Government should, he urged, release all political prisoners, lift the restrictions on Aung San Suu Kyi's freedom of movement, and enter into dialogue with the democratic opposition and all the ethnic minority groups with a view to establishing democracy and respect for human rights.

98. Lastly, with regard to Latin America, the lack of progress in the negotiations between the Government and the guerrilla movements in Colombia was to be deplored, though it was noteworthy that an office of the United Nations High Commissioner for Human Rights had been opened in Bogotá. He also welcomed the positive developments in the human rights situation in Guatemala, following the signing of the peace agreement.

99. Mr. MAYE NASUE MANGUE (Equatorial Guinea) paid tribute to the Special Rapporteur, who had succeeded in giving an extremely objective account of the human rights situation in his country, acknowledging the progress achieved and the constant efforts made by the Government and its desire to implant solidly in the country the democratic principles of the rule of law.

100. As the Special Rapporteur had stressed in his report, the country could surmount its difficulties only by seeking practical solutions. The means for doing that had been clearly identified: they included the political will to ensure the observance of human rights and fundamental freedoms, the determination to pursue constructive negotiations with the opposition, and recourse to technical assistance and advisory services in order to strengthen governmental and non-governmental institutions in the field of human rights.

101. The real problem in Equatorial Guinea was the lack of training and supervision. The country had achieved independence in 1968 without having any properly qualified personnel, either civilian or military. He therefore, as the official in charge of human rights questions in the country, invited the United Nations agencies and the non-governmental organizations, instead of merely putting forward ideas, to make field visits to Equatorial Guinea and provide it with specific technical assistance. He requested the Secretary-General of the United Nations to continue technical cooperation with his country in the field of human rights and asked the Centre for Human Rights to draw up, in collaboration with the Government, a project for implementation of that cooperation.

102. Mr. JINO (Observer for the Solomon Islands) said that since the start of the conflict on Bougainville in 1989, many human rights violations had been committed in that province of Papua New Guinea. Men, women and children had been tortured, raped and killed and entire villages had been razed, forcing their inhabitants to take refuge in the jungle. The lack of basic health services had caused the deaths of thousands of mothers and children from otherwise curable diseases and those who had survived lived in fear of

premature death. Many schools had been forced to close because of the conflict, depriving a whole generation of the right to education. The conflict had also caused an influx of refugees to the Solomon Islands, which did not have the resources to meet their needs and in addition were faced with incursions into their territory by the Papua New Guinea defence forces. The inhabitants of the border zones, some of whom had already been killed, lived in constant fear and were thus deprived of their right to live a normal life.

103. The conflict on Bougainville was far from over. The same applied to the violations of the fundamental rights and freedoms of innocent men, women and children. It was in order to restore to the inhabitants of Bougainville and the Solomon Islands border zones the right to life, to freedom of movement, to health and to education that his delegation had decided to co-sponsor the draft resolution on the situation on Bougainville under item 10 of the agenda, urging all parties to the conflict to initiate a process of dialogue in an atmosphere of trust, mutual respect and understanding. He earnestly hoped that the draft resolution would receive the support it deserved.

104. Mr. SHOAIB (International Human Rights Association of American Minorities) recalled the various resolutions in which the General Assembly had urged the appropriate United Nations bodies, particularly the Commission, to continue their efforts to improve the capacity of the United Nations system to take urgent action in cases of serious abuse of human rights. Pursuant to those resolutions, the Commission at its fifty-second session had urged States facing internal conflicts to deal with such situations in a manner consistent with international law, particularly the Charter of the United Nations. At its 59th meeting, on 23 April 1996, the Commission had urged Governments to refrain from acts of intimidation or reprisal against those who were cooperating or had cooperated with the United Nations human rights bodies.

105. Despite those and many other resolutions, there were many United Nations Member States, including countries which were proud to sit on the Commission on Human Rights, where torture was systematic, all political opposition was repressed, and freedom of expression and assembly was non-existent. It was an outrageous situation.

106. The case of India was particularly telling, as the reports of independent groups such as Amnesty International or Human Rights Watch showed. The international media, too, had reported India's brutal repression of the population of Jammu and Kashmir, which had been totally deprived of its rights, including its economic, social and cultural rights. In Jammu and Kashmir all development programmes had been either frozen or abandoned altogether. The link road between Kashmir and Azad Kashmir had been closed, thereby depriving people of freedom of movement within their own state.

107. Lastly, he recalled the case of Ghulam Rasool Dar who had testified before the Commission in April 1996. On his return to India in February 1997, according to information supplied by Amnesty International, he had been beaten by members of the Indian security forces; his wife and two sons had been subjected to the same fate.

108. His organization had spoken to the true leaders of Kashmir, who retained their confidence in the Commission on Human Rights and believed that India would not be able for ever to continue violating with impunity the human rights of the inhabitants of Kashmir.

109. Mr. DE ICAZA (Mexico), taking the floor in exercise of his right of reply, said that four NGOs, namely Humanitarian Law Project, Latin American Federation of Associations of Relatives of Disappeared Detainees, Franciscans International and International Indian Treaty Council, had referred to an alleged massacre in the north of the State of Chiapas. What had been called the massacre of San Pedro Nixtalucum, in which five people had been killed and 11 injured, including five police officers, had originated in a personal conflict which had degenerated into violence. It was true that the police had intervened to restore order in what had been a common law case. The government of the State of Chiapas had tried to stem the violence by proposing that the parties involved in the conflict should make a pact of non-aggression. Financial assistance had been granted to the families of the persons killed during the incident.

110. With reference to the suggestion that Mexico should invite the Special Rapporteur on torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country, his delegation wished to assure the Commission that his Government would cooperate to the full. The previous year, the Inter-American Commission on Human Rights had sent a mission to Mexico and the Special Rapporteur on torture would visit the country in the current year.

111. Mr. AL-TIKRITI (Observer for Iraq), taking the floor in exercise of the right of reply, deplored the Japanese delegation's remarks concerning his country. As was common knowledge, Japan was hoping to obtain a permanent seat on the Security Council. Such a position entailed heavy responsibilities, and the Japanese delegation would do well to check its facts before making statements, as it had clearly failed to do in referring to Iraq. The Japanese delegation had based its remarks on a report by the Special Rapporteur and had made no attempt to obtain further information. It had accused Iraq of failure to comply with Security Council resolution 986 (1995) when everyone knew it was the United States which was preventing the "oil for food" principle from being put into effect. The Japanese delegation was clearly unaware of that fact.

112. Japan, which was regarded as a great defender of human rights, should inquire into the embargo which deprived an entire population, that of Iraq, of its fundamental rights. It should further refrain from preventing, as it had been doing, humanitarian assistance from reaching Iraq, unless it had taken on that role in the hope of obtaining the coveted permanent seat.

113. Japan was a great Asian country. That position carried responsibilities which it must live up to, and the foremost of which, where human rights were concerned, was to acquaint itself with the facts.

The meeting rose at 9 p.m.